

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CRIMINAL NO. 2:07CR35**

UNITED STATES OF AMERICA )  
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 )  
 VS. )  
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 )  
 WILLIAM MICHAEL SUGGS )  
 )

## ORDER

**THIS MATTER** is before the Court on the Defendant's motion to return this case to the trial calendar for the Bryson City term beginning October 9, 2007. The Government has filed opposition to the motion.

By Order filed October 4, 2007, the Court continued this case *sua sponte* as required by 18 U.S.C. § 3161(c)(2) because the Defendant had not consented in writing to being tried within 30 days of his arraignment on October 1, 2007. At approximately 3:00 p.m., on this date, the Defendant's attorney filed the instant motion stating that he had no knowledge of the continuance until this morning, requested that this case be returned to the Court's Bryson City trial term beginning October 9, and that he was ready to proceed to trial and had discussed this motion with the Defendant. He

also stated that the Defendant had consented to trial within the 30 day period.

At approximately 3:30 p.m., this date, the Government filed its objection to the Defendant's motion on the grounds that the Government would be hard-pressed to contact their witnesses given the late filing of the motion as well as the upcoming Columbus Day holiday weekend and stated that defense counsel had not reviewed discovery materials inasmuch as such materials were still being prepared and would not be ready to disseminate to counsel before the October 9, 2007, trial date. The Government also pointed out the likely consequences of rushing a defendant to trial, even with his consent, especially given the fact that neither the attorney nor the Defendant had any knowledge of the content of the discovery and no meaningful discussion of the possibility of a plea could take place. The Government also pointed out that the next Bryson City trial term allows for trial within the time period set forth by the Speedy Trial Act.

In short, the Court finds, for the reasons stated by the Government, and particularly noting that the Defendant has not had the benefit of discovery and counsel could not properly and adequately prepare for trial

without such knowledge of the evidence against his client, concludes that the Defendant's motion should be denied. The Court notes that the Defendant was released from custody on a \$25,000 unsecured bond by the Magistrate Judge this morning; therefore, the denial of this motion does not subject the Defendant to a lengthy pretrial detention period. Alternatively, the Court would consider a motion by counsel to schedule this matter for trial during the upcoming Asheville trial term which begins November 5, 2007.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion to return this case to the trial docket for the October 9, 2007, term is hereby **DENIED**.

Signed: October 5, 2007



Lacy H. Thornburg  
United States District Judge

